IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

Bail Appl..No. 5513 of 2007(P)

CRIME NO. 163/2007 OF VARANDARAPPILLY POLICE STATION

PETITIONER/ACCUSED (IN CUSTODY)

PUSHPAN, S/O.RAMAN, AGED 46 YEARS,
KOPADAN HOUSE, KUTTANCHIRA DESOM,
VARANDARAPPILLY VILLAGE, MUKUNDAPURAM TALUK.

BY ADV. SRI.V.M.KRISHNAKUMAR
SMT.P.A.ANITHA

RESPONDENTS: COMPLAINANT/STATE

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1. STATE OF KERALA, REP. BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
VARANDARAPPILLY POLICE STATION.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5513 of 2007

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Dated this the 12th day of September, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under Kerala Abkari Act. He was allegedly found to be in possession of 200 litres of wash on 18.08.07. Seeing the detecting Police party he allegedly took to his heels. His name and details were ascertained from the persons locally present. The Seizure Mahazar and FIR clearly show the complicity of the petitioner. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He was not the one who ran away from the scene of the crime. The Police has accepted the incorrect and false statement of the local people who allegedly passed the information to them. In these circumstances anticipatory bail may be granted to the petitioner, prays the learned counsel for the petitioner.

3. The application is opposed by the learned Public Prosecutor. I find merit in the opposition by the learned Magistrate. There are no features in this case, suggesting the need for invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This is a fit case where the petitioner must appear before the learned Magistrate having jurisdiction and seek regular bail in the ordinary and

normal course.

4. In the result, this petition is dismissed. Needless to say that if the petitioner appears before the Investigating Officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE